

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY ROME
INFO ALL OECD CAPITALS
AMEMBASSY BRUSSELS

C O N F I D E N T I A L STATE 138823

BRUSSELS USEEC

E.O. 11652:N/A

TAGS:ETRD,IT

SUBJECT:ITALIAN PHARMACEUTICAL PATENT PROBLEM

1. THE ITALIAN GOVERNMENT HAS NOT PERMITTED THE PATENTING
OF PHARMACEUTICAL PRODUCTS OR PROCESSES FOR MANY YEARS. IT
IS THE ONLY COMMON MARKET COUNTRY WITHOUT ANY PATENT PROTEC-
TION FOR PHARMACEUTICALS.

2. AMERICAN DRUG COMPANIES HAVE CHARGED THAT AS A RESULT OF
THIS LACK OF PATENT PROTECTION, ITALIAN DRUG FIRMS ARE
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ENGAGED IN THE "PIRATING" OF THEIR FORMULAE AND TECHNOLOGY
AND IN FOREIGN SALES AT HIGH PROFITS OF DRUGS MADE WITH SUCH
INFORMATION. THE USG HAS RECEIVED COMPLAINTS ABOUT THIS
SITUATION FROM THE U.S. PHARMACEUTICAL MANUFACTURERS ASSOC-
IATION AND ITS MEMBER FIRMS, AS WELL AS OTHERS.

3. AT A MARCH 1977 MEETING, ONE OF THE COMMERCE-STR

INDUSTRY SECTOR ADVISORY COMMITTEES (ISACS) PROVIDING
ADVICE ON THE MULTILATERAL TRADE NEGOTIATIONS (MTN) RAISED
THE ISSUE OF THE PHARMACEUTICAL PATENT PROBLEM IN ITALY.
MEMBERS OF THIS ISAC (NUMBER SIX): DRUGS, SOAPS, CLEANERS,
AND TOILET PREPARATIONS) ASSERTED THAT THE CONSTRAINTS IN
IMPORTING AND MARKETING DRUGS IN ITALY RESULTING FROM THE
LACK OF PATENT PROTECTION CONSTITUTED THE PRIMARY "FOREIGN
NONTARIFF MEASURE" FACING THE U.S. DRUG INDUSTRY. THE
PROBLEM IS GROWING IN SEVERITY BECAUSE WORLD PRICES ARE
INCREASINGLY AFFECTED BY PIRATED ITALIAN PRODUCTS.

4. ACTION REQUESTED: WE WOULD APPRECIATE INFORMATION ON
THE CURRENT STATUS OF THE SITUATION. HAVE ANY NOTABLE
DEVELOPMENTS TAKEN PLACE? WHAT ARE THE POSSIBILITIES OF
SOLVING THE PHARMACEUTICAL PATENT PROBLEM? WHAT IS THE
LIKELIHOOD OF ITALY ACCEDING TO THE EUROPEAN PATENT
CONVENTION AND/OR THE COMMUNITY PATENT CONVENTION? WHAT
ARE THE DOMESTIC PRESSURES FOR CHANGE? CAN EMBASSY SUGGEST
OTHER APPROACHES WHICH MIGHT BE VIABLE MEANS OF SOLVING
THE PROBLEM. CHRISTOPHER

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